IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

Crl.Rev.Pet.No. 1346 of 2005()

CRA.596/2004 of I ADDL.SESSIONS COURT, ERNAKULAM
CC.206/2002 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI

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REVN. PETITIONER: APPELLANT/ACCUSED.

MOHAMMED SAGIR V.A. VALIYAVEETTIL
HOUSE, EDAVANAKKADU VILLAGE, KOCHI TALUK.

BY ADV. SRI.K.A.JALEEL
SRI.T.T.MUHAMOOD

RESPONDENTS: RSPONDENT/COMPLAINANT AND STATE.

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1. BERLIN, S/O.IYPE, OLIPARAMBIL HOUSE,
ELANKUNNAPPUZHA VILLAGE, KOCHI TALUK.

2. STATE OF KERALA, REPRESENTED BY THE
STATE PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.K.P.MAJEED
SRI.K.J.THOMAS STANLEY
PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

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Crl.R.P.NO.1346 OF 2005

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Dated this the 14th day of December 2006

ORDER

Amount of Rs.1,20,000/- ordered to be deposited vide order of this court dated, 31-5-2005 has not been deposited by the petitioner yet. Now when the matter came up for final hearing, Adv.A.Jaleel submits on behalf of the petitioner that he has no argument to be advanced on the merits of the case and that his prayer is only to have the substantive term of imprisonment avoided and that the petitioner would pay the entire compensation ordered to be paid. The sentence awarded to the petitioner by the trial court as modified by the judgment of the appellate court is simple imprisonment for one year and to pay compensation of Rs.1,20,000/- to PW1 under Section 357 Cr.P.C. and in default to undergo simple imprisonment for six months. I am not prepared to reduce the sentence of imprisonment so awarded unless the petitioner pays the amount of compensation. Counsel for the petitioner undertakes that the entire amount of Rs.1,20,000/- will be paid positively in one month. In the event of the compensation amount being paid within one month, the request advanced to have the substantive sentence of imprisonment modified can be considered. Otherwise, the sentence as it stands now will be confirmed.

Post on 15-1-2007.

K.P.BALACHANDRAN, JUDGE